

ESTTA Tracking number: **ESTTA555243**

Filing date: **08/21/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	KNOCK, inc.
Granted to Date of previous extension	08/21/2013
Address	1315 Glenwood Avenue Minneapolis, MN 55405 UNITED STATES
Attorney information	Tiffany A. Blofield Winthrop & Weinstine, P.A. 225 South Sixth Street, Suite 3500 Minneapolis, MN 55402 UNITED STATES trademark@winthrop.com, tblofield@winthrop.com, sbaird@winthrop.com, eprisby@winthrop.com, sbell@winthrop.com

### Applicant Information

Application No	85420127	Publication date	04/23/2013
Opposition Filing Date	08/21/2013	Opposition Period Ends	08/21/2013
Applicant	InterfaceIT Operations Pty Ltd Level 3 554 Church Street Richmond, VIC, 3121 AUSTRALIA		

### Goods/Services Affected by Opposition

Class 009. First Use: 2010/08/25 First Use In Commerce: 2010/08/25 All goods and services in the class are opposed, namely: Tablet computer application software allowing sales people and field service workers to streamline customer data processing, and target sales areas and regions with geospatial mapping while benefiting from real-time reporting
Class 042. First Use: 2010/08/25 First Use In Commerce: 2010/08/25 All goods and services in the class are opposed, namely: Customized tablet computer application software design and development allowing sales people and field service workers to streamline and track customer data processing, and target sales areas and regions with geospatial mapping while benefiting from real-time reporting

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Registration	3023295	Application Date	06/23/2004
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No.			
Registration Date	12/06/2005	Foreign Priority Date	NONE
Word Mark	KNOCK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/12/01 First Use In Commerce: 2001/12/01 Advertising agency services: marketing services, namely business marketing consulting services, cooperative advertising and marketing, conducting marketing studies, direct marketing and advertising for others, and providing business marketing information Class 042. First use: First Use: 2004/04/15 First Use In Commerce: 2004/04/15 Graphic art design; computer services, namely, designing web sites for others		

Attachments	20130821 - Notice of Oppositon and Exhibit A (IKNOCK).pdf(262483 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Tiffany A. Blofield/
Name	Tiffany A. Blofield
Date	08/21/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No.: 85/420,127  
Filed: September 12, 2011  
For the mark: IKNOCK  
Published in the *Trademark Official Gazette* on April 23, 2013

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KNOCK, inc.

Opposer,

v.

Opposition No. \_\_\_\_\_

InterfaceIT Operations Pty Ltd.

Applicant

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**NOTICE OF OPPOSITION**

KNOCK, inc. (“Opposer”) believes that it will be damaged by registration of the claimed IKNOCK mark shown in Application Serial No. 85/420,127 (the “Application”) and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is a full-service creative firm offering advertising agency and marketing services, including design, branding, Web site development, computer application software development, and social media services, among others.

2. Opposer is the record owner of U.S. Trademark Registration No. 3,023,295 for the trademark KNOCK® (the “KNOCK® Mark”) for use in connection with “Advertising agency services: marketing services, namely business marketing consulting services, cooperative advertising and marketing, conducting marketing studies, direct marketing and advertising for others, and providing business marketing information” in International Class 35 claiming a first

use date at least as early as December 1, 2001, and “Graphic art design; computer services, namely, designing Web sites for others” in International Class 42, claiming a first use date at least as early as April 15, 2004 (“the Registration”).

3. The Registration was issued on the Principal Register on December 6, 2005. The national constructive use and filing date of the Registration is June 23, 2004.

4. A copy of Opposer’s foregoing Registration is attached hereto as Exhibit A.

5. Opposer expends considerable time, effort and expense in promoting, advertising and popularizing its distinctive KNOCK® Mark and the services offered under it. Consumers have come to know, rely upon and recognize the KNOCK® Mark as a strong indicator of the source of Opposer’s services.

6. In the Application, InterfaceIT Operations Pty Ltd (“Applicant”), seeks to register IKNOCK as a trademark for:

- a. “Tablet computer application software allowing sales people and field service workers to streamline customer data processing, and target sales areas and regions with geospatial mapping while benefiting from real-time reporting” in International Class 9;
- b. “Customized tablet computer application software design and development allowing sales people and field service workers to streamline and track customer data processing, and target sales areas and regions with geospatial mapping while benefiting from real-time reporting” in Class 42.

(collectively 6(a) and 6(b) are “Applicant’s Goods”).

7. Applicant’s filing date for the Application is September 12, 2011 (“Applicant’s Filing Date”).

8. Applicant's claimed IKNOCK trademark was published for opposition in connection with the Application in the *Trademark Official Gazette* on April 23, 2013. On May 23, 2013, the Board granted Opposer's request to extend the time to oppose the registration of Applicant's claimed IKNOCK mark in connection with Applicant's Goods until June 22, 2013. Thereafter, on June 21, 2013, the Board granted Opposer's request to extend the time to oppose the registration of Applicant's claimed IKNOCK mark in connection with Applicant's Goods until August 21, 2013.

9. Opposer commenced use of its KNOCK® Mark in commerce more than nine and a half years prior to the September 12, 2011 filing date of the Application. Opposer has continuously used in commerce, from the dates set forth in the corresponding registration, its KNOCK® Mark. Consequently, Opposer's registration has priority over the Application as a result of Opposer's earlier continuous use of its federally-registered KNOCK® Mark.

10. Opposer has priority of common law rights in its KNOCK® Mark in connection with advertising agency and marketing services, including design, branding, Web site development, computer application software development, and social media services, among others.

11. Applicant's Goods are closely related to the services (including Web site development, computer application software development and social media services) offered under Opposer's KNOCK® Mark and are likely to travel through the same channels of trade as the services offered under Opposer's KNOCK® Mark.

12. Upon information and belief, Applicant's Goods and the services Opposer offers under the KNOCK® Mark are likely to be promoted and sold to identical and/or overlapping consumers.

13. Allowing the Application for Applicant's proposed IKNOCK mark to register would further damage Opposer, as registration would confer upon Applicant various statutory presumptions to which it is not entitled in view of Opposer's prior use and registration of its KNOCK® Mark.

14. Applicant's proposed IKNOCK mark so resembles Opposer's KNOCK® Mark that purchasers and prospective purchasers are likely to be confused, mistakenly believe or be deceived that Applicant's Goods offered under Applicant's proposed IKNOCK mark are affiliated with, connected to, or associated with Opposer, or in some other way originate with or are sponsored, endorsed or approved by Opposer, all to the detriment of Opposer.

15. Goods under Applicant's proposed IKNOCK mark and services under Opposer's KNOCK® Mark are likely to travel in the same channels of trade in which Opposer's KNOCK® Mark is used, purchasers and prospective purchasers are likely to be confused, mistakenly believe or be deceived that the services Applicant intends to offer under the proposed IKNOCK mark are affiliated with, connected to, or associated with Opposer, or in some other way originate with or are sponsored, endorsed or approved by Opposer, all to the detriment of Opposer.

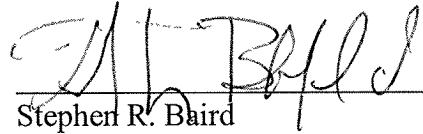
16. Applicant's IKNOCK mark is likely to cause consumer confusion. Therefore, registration of Applicant's Mark should be refused under 15 U.S.C. §§ 1052(d) and 1063.

**WHEREFORE**, Opposer respectfully requests that the Trademark Trial and Appeal Board (the "Board") sustain its opposition and:

1. Refuse registration of Applicant's Mark in Application Serial No. 85/420,127;  
and
2. Award Opposer any further relief the Board deems equitable.

Dated: August 21, 2013

WINTHROP & WEINSTINE, P.A.



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Stephen R. Baird

Tiffany A. Blofield

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Minneapolis, Minnesota 55402

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Attorneys for KNOCK, inc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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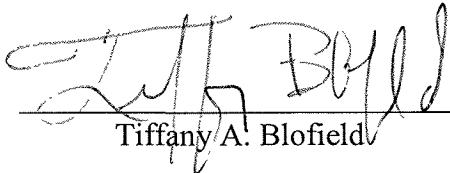
**CERTIFICATE OF SERVICE BY MAIL**

This is to certify that on this 21st day of August, 2013, I served by U.S. Mail a true and correct copy of the following document:

- Notice of Opposition

in the above-captioned action to the following, with his consent, at the last known address, to-wit:

Mr. David L. Odom, Esq.  
Akin Gump Strauss Hauer & Feld LLP  
P.O. Box 130688  
Dallas, TX 75313-0688

  
\_\_\_\_\_  
Tiffany A. Blofield



**Exhibit A**

Int. Cls.: 35 and 42

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,023,295

Registered Dec. 6, 2005

SERVICE MARK  
PRINCIPAL REGISTER

KNOCK

KNOCK, INC (MINNESOTA CORPORATION)  
219 NORTH 2ND STREET #304  
MINNEAPOLIS, MN 55401

FOR: ADVERTISING AGENCY SERVICES: MARKETING SERVICES, NAMELY BUSINESS MARKETING CONSULTING SERVICES, COOPERATIVE ADVERTISING AND MARKETING, CONDUCTING MARKETING STUDIES, DIRECT MARKETING AND ADVERTISING FOR OTHERS, AND PROVIDING BUSINESS MARKETING INFORMATION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-1-2001; IN COMMERCE 12-1-2001.

FOR: GRAPHIC ART DESIGN; COMPUTER SERVICES, NAMELY, DESIGNING WEB SITES FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-15-2004; IN COMMERCE 4-15-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT. STYLE, SIZE, OR COLOR.

SER. NO. 78-439,919, FILED 6-23-2004.

CAROLINE WOOD, EXAMINING ATTORNEY